

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARQUICE EVANS,)	
Plaintiff,)	
)	C.A. No. 20-22 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
RICHARD LORAH, et al.,)	
Defendants.)	

MEMORANDUM ORDER

This action was commenced by Plaintiff's filing of a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 against the following Defendants: Police Captain Richard Lorah, Police Detective Sean Bogart, former Magisterial District Judge Tom Robie, Chief Public Defender Patricia Kennedy, court-appointed defense attorneys Bruce Sandmeyer and Emily Merski, District Attorney Jack Daneri, former District Attorney Erin Connelly, and Erie County Judges John Trucilla and Jamie Mead. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On May 11, 2020, Magistrate Judge Lanzillo issued a report and recommendation ("R&R") recommending that this action be dismissed as legally frivolous and/or for failure to state a claim in accordance with 28 U.S.C. § 1915(e). [ECF No. 5]. On the same date, this matter was assigned to the undersigned as presiding judge. Objections to the R&R were due from Plaintiff by May 28, 2020; however, Plaintiff has failed to file any objections.

After de novo review of the complaint, together with the report and recommendation, the

following order is entered:

AND NOW, this 29th day of May, 2020;

IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued May 11, 2020 [ECF No. 5], is adopted as the opinion of the Court, and this case is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e). Such dismissal is without prejudice to the extent that (1) Plaintiff is not precluded from challenging his conviction in a timely-filed habeas corpus petition after his state PCRA proceedings have terminated, and (2) Plaintiff may file a renewed civil rights action seeking damages for malicious prosecution or abuse of process if his criminal conviction is later overturned. All other claims are dismissed with prejudice.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: Richard A. Lanzillo
U.S. Magistrate Judge

all parties of record